

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-13 and 15-17 were pending prior to the Office Action. No claims have been added through this reply. Claim 3 has been cancelled without prejudice or disclaimer of the subject matter included therein. Therefore, Claims 1-2, 4-13, and 15-17 are pending. Claims 1-2, 5, 8-13, and 15-17 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Allowable Subject Matter

Applicant appreciates that claims 3 and 5 are indicated to define allowable subject matter.

While Applicant maintains *all* of the arguments submitted on August 28, 2008, Applicant has amended claims with allowable subject matter *only* to move prosecution forward.

Accordingly, Applicant has amended independent claims 2 and 11 with the features of indicated allowable claim 3. Thus, claims 2 and 11 are allowable.

Applicant has amended claim 17 to include the features of independent claim 11 and the features of indicated allowable claim 3. Thus, claim 17 is allowable.

Applicant has also amended indicated allowable claim 5 with the features of independent claim 2. Thus, claim 5 is allowable.

Applicant has amended independent claims 9-10 and 12 with the features of indicated allowable claim 5. Thus, claims 9-10 and 12 are allowable.

Applicant has amended claim 15 to include the features of independent claim 9 and the features of indicated allowable claim 5. Thus, claim 15 is allowable.

Applicant has amended claim 16 to include the features of independent claim 10 and the features of indicated allowable claim 5. Thus, claim 16 is allowable.

Further, dependent claims 4 and 6-7 are allowable for the reasons set forth above with regards to independent claim 2 at least based on their dependency on independent claim 2.

Claim Objections

Claims 13 and 15-17 have been objected to for allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claims 13 and 15-17 into independent format. Therefore the objection to claims 13 and 15-17 should be withdrawn.

Claim Rejection - 35 U.S.C. § 102(b)

Claims 1-2, 4-13, and 15-17 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated over Salazar et al. (U.S. Patent No. 5,802,467). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Salazar fails to teach or suggest each and every claimed element.

Argument: Features of claims 1, 8, and 13 not taught by Salazar:

While Applicant maintains *all* of the arguments submitted on August 28, 2008, Applicant has amended independent claims 1 and 8 *only* to move prosecution forward. Independent claims 1 and 8 have been amended to include additional limitations. Claims 1 and 8 as amended recite, *inter alia*, “the control command includes: a first command that includes a reception quality acquisition command and a channel number acquisition command, a second command that includes a channel changing command and a name of other-station device acquisition command,

and a third command that includes a reproduction command, a stop command, a fast forward command, and a rewinding command.”

Salazar discloses a handset 10 that wirelessly controls the controlled devices (e.g. channel selector, volume controller, and power switch, see column 7, lines 40-50) and that adjusts/changes the state of the controlled devices (e.g. channel up, channel down, volume up, volume down, mute, power on, and power off). The Examiner alleges that the control data inherently include a discrimination code/signal for discriminating between a channel selector, a volume controller, and a power switch for example and a command for adjusting/changing the channel selector, the volume controller, and the power switch.

Thus, in order to move prosecution forward, Applicant has amended claims 1 and 8 to include:

1) a discrimination code for discriminating which of the controlled devices in the system the control command is for and

2) a control command where the control command includes:

i) a first command that includes a reception quality acquisition command and a channel number acquisition command,

ii) a second command that includes a channel changing command and a name of other-station device acquisition command, and

iii) a third command that includes a reproduction command, a stop command, a fast forward command, and a rewinding command.

Claims 1 and 8 as amended are submitted to be allowable over Salazar for at least this reason.

Claim 13 is allowable for the reasons set forth above with regards to claim 8.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 8, and 13 under 35 U.S.C. § 102(b).

Reconsideration and allowance of claims 1, 8, and 13 are respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the art cited, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, all claims are distinguishable over the cited references.

In view of the above remarks and amendments, it is believed that the pending application is in condition for allowance.

Applicant respectfully requests that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: February 27, 2009

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant